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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  on _____  Signature _____  Typed or printed name _____		Application Number	Filed
		09/822,292	April 2, 2001
		First Named Inventor	
		Charles M. Link II	
Art Unit		Examiner	
2685		Duc M. Nguyen	
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the			
<input type="checkbox"/> applicant/inventor.		Signature _____ Marisa J. Dubuc	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SU/06)		Typed or printed name _____ Marisa J. Dubuc	
<input checked="" type="checkbox"/> attorney or agent of record. 46,673 Registration number _____		(860) 286-2929 Telephone number _____	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		December 14, 2005 Date _____	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	CHARLES M. LINK II, ET AL.	)
		) Group Art Unit: 2685
Serial No.:	09/822,292	)
		)
Filed:	April 2, 2001	) Examiner: Duc M. Nguyen
		)
For:	METHOD AND APPARATUS FOR	)
	DELIVERING MESSAGES TO	) Confirmation No.: 8769
	WIRELESS DEVICES	)
		)

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Alexandria, VA 22313-1450

**Pre-Appeal Brief Request for Review**

In response to the Final Office Action dated July 14, 2005, and in conjunction with the concurrently filed Notice of Appeal, the Applicants submit the following for entry in the above-identified application.

REMARKS

Claims 1-9, 12, 14-17, 19-24, 27, 40-48, 51, 53-60 and 63 are pending in the instant application. In the Final Office Action of July 14, 2005, the Examiner rejected claims 1-9, 12, 14-17, 19-24, 27, 40-48, 51, 53-60 and 63 under 35 U.S.C. 103 as being allegedly unpatentable over U.S. Patent No. 6,122,503 issued to Daly in view of U.S. Patent No. 6,418,306 issued to McConnell.

The Applicants submit that the rejections of claims 1-9, 12, 14-17, 19-24, 27, 40-48, 51, 53-60 and 63 are in error because the Examiner has not met the burden of establishing a prima facie case of obviousness in contravention of the provisions of 35 USC 103.

The Examiner states with respect to claim 1 that Daly teaches or makes obvious all of the features recited therein. In addition, since Daly is relied on by the Examiner as teaching transmissions performed via IS-41 technologies, the Examiner introduces McConnell as allegedly teaching communications transmissions using SS7 technologies.

The Applicants submit that the rejection of claim 1 is in error because the features "updating a concerned database to include the target subscribers for receiving the information related to the first item" and "transmitting a third item of information to the wireless device only in response to the receipt of the second item of information, and only if the wireless device is associated with a targeted subscriber in the concerned database" are not met by Daly nor by McConnell.

Daly teaches in column 5, lines 58-65 and in column 5 line 66-column 6 line 9 "the HLR 314 identifies the subscribers that have programmable mobile stations that can receive updated IRDB information. *Upon identification of these mobile stations, the HLR 314 signals the*

*OTAP 312 to create a message for transmission to the identified mobile station in which the updated contents of the IRDB 313 are transferred.* If, after the HLR 314 has indicated that an update should be performed, the MSC 31 indicates that the identified mobile station is inactive, then the OTAP 312 will indicate that fact to the HLR 314 which in turn will set a delivery pending indicator (DPI) in the HLR 314 with respect to that mobile station.” There is simply no teaching in Daly that a database is updated to include the targeted subscribers for receiving the information. Rather, Daly appears to suggest that the transmission of the update automatically occurs at the time the mobile stations are identified for receiving an update and not upon registration. In support, Daly specifically teaches that the update is initiated either manually or automatically which includes identifying programmable mobile stations, signaling the OTAP 312 to create a message for transmission to the mobile station, whereby the updated contents of the IRDB are transferred from the OTAP 312 to the mobile station via the mobile switching center. There is no mention in Daly that these actions occur *only upon registration* as recited in Applicants’ claim 1. Moreover, Daly teaches that only those subscribers that are determined to be “inactive” are tracked in HLR 314 via a delivery pending indicator (column 6, lines 1-5) and not all targeted subscribers as recited in claim 1.

Accordingly, Daly does not teach “transmitting a third item of information to the wireless device *only in response to the receipt of the second item of information, and only if the wireless device is associated with a targeted subscriber in the concerned database*” as indicated by the Examiner.

McConnell is directed to a process of notifying telephone users of the receipt/deletion of messages in a voicemail or messaging system and is not even remotely related to the Applicants invention. As Daly does not recite the features recited in claim 1 as alleged by the Examiner, the

Applicants submit that the introduction of McConnell would not cure the deficiencies of Daly. Because neither Daly nor McConnell, either alone or in combination, teach or make obvious each and every feature recited in Applicants' claim 1, the Applicants submit that there exists clear error in the outstanding rejections of claim 1. In addition, claims 14, 20, 40, and 53 each recites features that are substantially similar to those of claim 1. Accordingly, for the reasons set forth above with respect to claim 1, the Applicants submit that the rejections of claims 14, 20, 40, and 53 are also in error.

In view of the foregoing, it is urged that the final rejection of claims 1-9, 12, 14-17, 19-27, 40-51, 53-60, 63 be overturned. The final rejection is in error and should be reversed. The fee set forth in 37 CFR 41.20(b)(1) is enclosed herewith. If there are any additional charges with respect to this Request, or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

CHARLES M. LINK II, ET AL.

CANTOR COLBURN LLP  
Applicants' Attorneys

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